

FILED

MAR 11 2009

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

UNITED STATES OF AMERICA

v.

DUANE HOSEA, JR.

CRIMINAL NO. A-08-CR-476-SS (1)

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney was prepared to prove the following facts beyond a reasonable doubt:

In 2006, law enforcement authorities began an investigation of DUANE HOSEA, JR. and his coconspirators. This investigation included conducting trash runs, search warrants, traffic stops, debriefings of cooperating individuals as well as federal wiretaps of DUANE HOSEA, JR. and WARRIOR FENNELL, a drug associate of HOSEA, JR.

On March 9, 2006, a search warrant was conducted at 12719 Blaine Road in Austin, Texas. Pursuant to this warrant, approximately 15 grams of cocaine was located in HOSEA, JR.'s automobile. Law enforcement also searched the residence at this address, which was occupied by HOSEA's family, including his brother MICHAEL HOSEA, and located a kilo press, approximately 250 grams of powder cocaine, approximately 27 grams of crack cocaine, approximately \$9,300 in cash, scales, pyrex dishes and firearms.

A few months later, on August 15, 2006, law enforcement conducted a traffic stop in Austin, Texas on an Expedition automobile after observing a suspected drug transaction. The Expedition was driven by MICHAEL HOSEA and the passengers included MARCUS DUPREE, Britany Avery

and Ronesha Hosea. A traffic stop was conducted and due to the fact that Expedition drove at a slow rate of speed through a parking lot before coming to a stop, officers were concerned that the subjects in the Expedition were trying to conceal something. MARCUS DUPREE was the front passenger. Law enforcement later determined that Ronesha Hosea had approximately \$8,300 stuffed down the front of her pants. Brittany Avery had both cash and approximately 223 grams of cocaine stuffed down the front of her pants.

From interviewing cooperating drug defendants and witnesses, law enforcement was aware that HOSEA, JR., assisted by his drug associates, would take ^{Kilograms E.C. H} ~~multi-kilogram loads~~ of cocaine to ^{E.C. H} ~~Crawley, Louisiana on a regular basis~~. His contact was reportedly a black male known as "Rusty" who drove a silver Navigator. During a surveillance conducted at the Hosea home on September 12, 2006, law enforcement observed a silver Lincoln Navigator with Louisiana plates parked at the residence. Law enforcement contacted the Crawley Police department and described the vehicle and they advised it was driven by RonCarlos Treze Sonnier. During the surveillance, law enforcement observed MICHAEL HOSEA arrive at the residence (613 S. Pauley in Hutto, Texas). Law enforcement followed Mr. Sonnier after he left the Hosea home on his route back to Louisiana and stopped the car. Mr. Sonnier had a large quantity of cocaine (over 150 grams) stuffed down his pants. He also had a Taurus 9 mm handgun. Following Sonnier's arrest, federal search warrants were obtained for two HOSEA, JR. related residences and law enforcement seized more than \$5,000 in cash, an Uzi semi-automatic 9 mm firearm, and a bullet proof vest.

On or about February 19, 2007, law enforcement officers observed a white Nissan Sentra pull behind a silver Dodge Charger at an unsafe distance and the Sentra continued to travel in tandem with this vehicle for several miles. The Sentra was driven by Antoine Showels and the Charger was

driven by DUANE HOSEA, Jr. Officers activated their emergency lights and attempted to make a traffic stop. The Nissan did not stop but instead accelerated to a higher rate of speed. After some time the Nissan finally pulled over. Within the Nissan, officers located two anti-freeze bottles, one on the front passenger seat and one under some clothing in the back seat of the vehicle. Each anti-freeze bottle contained approximately a kilogram of cocaine for a total of two kilograms. Within the Nissan, officers also located Universal Car Rental paperwork which listed Willie Showels and DUANE HOSEA, DOB: 3-8-78, as authorized drivers for the car, as well as a copy of the September, 2006 federal search warrant for HOSEA's residence and vehicles.

On or about May 29, 2007, a Pflugerville police officer observed DUANE HOSEA, JR., who was driving a silver Dodge Charger with a Louisiana license plate, run a red light. The officer activated his emergency lights to stop the Charger. The officer observed the driver, HOSEA, JR., reaching into the rear passenger compartment of the vehicle several times while the vehicle continued moving. The officer used his siren twice while the vehicle continued to move after which the Charger slowed down and eventually stopped. HOSEA, JR. did not have a driver's license or insurance and was placed under arrest. The officer located a Glock 9mm handgun under the front passenger seat and large amounts of cash in the passenger compartment as well as on HOSEA, JR.'S person for a total of approximately \$50,000. A small quantity of marijuana was located in HOSEA JR.'s shirt pocket.

On or about June 23, 2007, the jail recorded a phone call from inmate MICHAEL HOSEA to his brother HOSEA, JR. MICHAEL HOSEA told HOSEA, JR. the names of drug customers who owed him money as well as the amount that was owed. They also discussed the need to get "Brittany" to claim the "shit" (cocaine) that was the subject of MICHAEL HOSEA's arrest as she

would get probation. MICHAEL HOSEA told HOSEA, JR. that he still had some controlled substance, which he referred to as onions.

On or about June 12, 2008, officers with the Austin Police Department were investigating an assault of an individual who stated that DUANE HOSEA, JR. had pistol whipped him in the head and face and accused him of snitching to the police.¹ The victim indicated that HOSEA, JR. was accompanied by another black male who prevented the victim from fleeing.¹ The second male was later identified by the victim through a photo lineup as MARCUS DUPREE.¹ The victim went to Seton Southwest hospital after the assault with a fractured orbital socket, as well as a laceration to his left eye requiring stitches, a missing tooth, and assorted bruises and abrasions.¹ The police obtained search warrants which they executed on HOSEA, JR.'s residence and vehicles. The police seized a Glock 9 mm handgun from a silver Dodge Caravan that was parked in Hosea's driveway. The gun appeared to have blood on the front side, the muzzle, the front slide and down the barrel. A DNA analysis on the firearm revealed that the blood on the front slide/sight area belonged to the victim and that the a swab from the grip of the pistol matched to HOSEA, JR. Inside HOSEA, JR.'s residence, officers located a Jimenez 9 mm handgun, 9 mm ammunition, an AK-47 rifle with a one hundred round drum, and a small quantity of MDMA and marijuana.

Beginning in July, 2008, and continuing into September, 2008, a federal wire interception was authorized on a telephone utilized by Warrior Fennell. During this wire interception, HOSEA, JR. was intercepted in drug related conversations with Fennell, two of which calls are summarized in overt acts 11 and 12 of the indictment in the instant case. A federal wiretap was authorized on September 16, 2008 for HOSEA, JR.'s telephones and was again authorized in October, 2008, for an additional 30 days. All of the listed defendants in this indictment were intercepted in drug related

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¹ Although Defendant Hosea, Jr. acknowledges the victim reported these facts, Hosea, Jr. disputes the victim's rendition of the facts. E.C. JH

phone calls (as further detailed in overt acts 11-73 of the indictment) which documented their willful involvement in this conspiracy. During the interception, hundreds of drug related phone calls were intercepted. These phone calls demonstrated that the scope of the conspiracy involved 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine and 50 grams or more of cocaine base. These statutory threshold quantities are also supported by numerous cooperating witnesses as well as seizures of cash and cocaine during the course of the conspiracy (2005 until December, 2008).


Multiple cooperating witnesses have confirmed the findings of law enforcement that HOSEA, JR. routinely armed himself when conducting drug transactions and during the course of this conspiracy. The statements of the cooperators have been further supported by multiple seizures of firearms from HOSEA, JR., his automobiles, and residences during the course of this conspiracy as detailed in this factual basis.

That in summary would be the evidence presented by the United States.

Respectfully submitted,

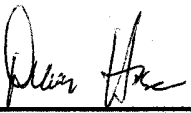
JOHNNY SUTTON
UNITED STATES ATTORNEY

By:



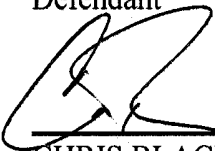
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I have read the United States' Factual Basis, and I have reviewed it with my attorney. I hereby admit that the allegations contained in the Factual Basis are true and correct and that I am guilty of the offenses charged in the Superseding Indictment.



DUANE HOSEA, JR.
Defendant

3-11-09
Date



CHRIS BLACKERBY
Attorney for Defendant

3/11/09
Date